IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION Nos. 9945 of 2004, 11637 of 2004,

11638 of 2004, 11639 of 2004, 11745 of 2004,

11746 of 2004, 12032 of 2004 and 12173 of 2004

1)WRIT PETITION NO : 9945 of 2004

Between:

M/s L.G. Polymers India Private Limited.,
R.R. Venkatapuram, Visakhapatnam, rep. by
its General Manager (IR & HR) Mr.B.Sudhakar,
S/o. B.Suryanarayana, Hindu, R/o. Visakhapatnam. …. Petitioner

AND

1 Transmission Corporation of A.P. Ltd., Vidyutsoudha,
Khairatabad, Hyderabad rep by its
Chairman and Managing Director.
2 Eastern Power Distribution Company of A.P. Ltd.,
Singareni Bhavan, Red Hills, Hyderabad,
rep. by its Chairman and Managing Director.
3 Andhra Pradesh Gas Power Corporation Ltd, 201,
2nd Floor, My home Sarovar Plaza, Secretariat, Road,
Hyderabad-063 rep. by its Managing Director.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus or any other appropriate, writ, order or direction declaring that respondent 1 and 2 have no authority to levy and demand any tariff in respect of the power allocated by 3rd respondent in excess of the bills raised by the 3rd

respondent and consequentially direct the respondents 1 and 2 to forbear from raising such bills.

Counsel for the Petitioner: MR.C.V.NAGARJUNA REDDY

Counsel for the Respondents : SMT.M.VINOBHA DEVI

2)WRIT PETITION NO : 11637 of 2004

Between:

M/s SRJ Poly Films Private Ltd., Plot No.215/B, Phase-II, IDA,
Cheriapally, Ranga Reddy district, rep. by
its Director K. Jayasri
…. Petitioner

AND

1 Transmission Corporation of A.P. Ltd., Vidyutsoudha,
Khairatabad, Hyderabad rep by its
Chairman and Managing Director.
2 Central Power Distribution Company of A.P. Ltd.,
Singareni Bhavan, Red Hills, Hyderabad,
rep. by its Chairman and Managing Director.
3 Andhra Pradesh Gas Power Corporation Ltd, #201,
2nd Floor, My home Sarovar Plaza, Secretariat, Road,
Hyderabad-063 rep. by its Managing Director.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus or any other appropriate, writ, order or direction declaring that respondent 1 and 2 have no authority to levy and demand any tariff in respect of the power allocated by 2nd respondent in excess of the bills raised by the 3rd respondent and consequentially direct the respondents 1 and 2 to forbear from raising such bills.

Counsel for the Petitioner: MR.C.V.NAGARJUNA REDDY

Counsel for the Respondents : SMT.M.VINOBHA DEVI

3)WRIT PETITION NO : 11638 of 2004

Between:

M/s KJR Poly Films Private Lilmited, Plot No.D-162,
Phase-III, IDA, Jeedimetla, Ranga Reddy district,

Hyderabad-500 055, rep. by its Director K.Narender Reddy

…. Petitioner

AND

1 Transmission Corporation of A.P. Ltd., Vidyutsoudha,
Khairatabad, Hyderabad rep by its
Chairman and Managing Director.
2 Central Power Distribution Company of A.P. Ltd.,
Singareni Bhavan, Red Hills, Hyderabad,
rep. by its Chairman and Managing Director.
3 Andhra Pradesh Gas Power Corporation Ltd, #201,
2nd Floor, My home Sarovar Plaza, Secretariat, Road,
Hyderabad-063 rep. by its Managing Director.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus or any other appropriate, writ, order or direction declaring that respondent 1 and 2 have no authority to levy and demand any tariff in respect of the power allocated by 2nd respondent in excess of the bills raised by the 3rd respondent and consequentially direct the respondents 1 and 2 to forbear from raising such bills.

Counsel for the Petitioner: MR.C.V.NAGARJUNA REDDY

Counsel for the Respondents : SMT.M.VINOBHA DEVI

4)WRIT PETITION NO : 11639 of 2004

Between:

M/s N.R. Polymers Pvt. Ltd., 1-508, Divyashakti Complex,
Ameerpet, Hyderabad-500 055, rep. by its Managing
Director K.Narender Reddy.
…. Petitioner

AND

1 Transmission Corporation of A.P. Ltd., Vidyutsoudha,
Khairatabad, Hyderabad rep by its
Chairman and Managing Director.
2 Central Power Distribution Company of A.P. Ltd.,
Singareni Bhavan, Red Hills, Hyderabad,
rep. by its Chairman and Managing Director.
3 Andhra Pradesh Gas Power Corporation Ltd, #201,
2nd Floor, My home Sarovar Plaza, Secretariat, Road,
Hyderabad-063 rep. by its Managing Director.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus or any other appropriate, writ, order or direction declaring that respondent 1 and 2 have no authority to levy and demand any tariff in respect of the power allocated by 3rd respondent in excess of the bills raised by the 3rd respondent and consequentially direct the respondents 1 and 2 to forbear from raising such bills.

Counsel for the Petitioner: MR.C.V.NAGARJUNA REDDY

Counsel for the Respondents : SMT.M.VINOBHA DEVI

5)WRIT PETITION NO : 11745 of 2004

Between:

M/s Tata Teleservices Ltd., 5-9-62, K.L.K. Estate,
Fatheh Maidan Road, Hyderabad, rep. by its
Asst. Manager (Legal), N.Vijayalakshmi
…. Petitioner

AND

1 Transmission Corporation of A.P. Ltd., Vidyutsoudha,
Khairatabad, Hyderabad rep by its
Chairman and Managing Director.
2 Central Power Distribution Company of A.P. Ltd.,
Singareni Bhavan, Red Hills, Hyderabad,
rep. by its Chairman and Managing Director.
3 Southern Power Distribution Company Ltd.,
19-3-13, Upstairs of Hero Honda Show Room,
Renigunta Road, Tirupathi – 517 501,
Tirupathi, rep. by its Managing Director
4 Eastern Power Distribution Company of A.P. Ltd.,
3-14-9, Sai Salthi Bhavan, Opp. Saraswati Park,
Daba Gardens, Visakhapatnam-53002, rep. by
its Managing Director
5 Andhra Pradesh Gas Power Corporation Ltd, #201,
2nd Floor, My home Sarovar Plaza, Secretariat, Road,
Hyderabad-063 rep. by its Managing Director.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus or any other appropriate, writ, order or direction declaring that respondents 1 to 4 have no authority to levy and demand any tariff in respect of the

power allocated by 5th respondent in excess of the bills raised by the respondents 2 to 4 and consequentially direct the respondents 1 to 4 to forbear from raising such bills.

Counsel for the Petitioner: MR.C.V.NAGARJUNA REDDY

Counsel for the Respondents : SMT.M.VINOBHA DEVI

6)WRIT PETITION NO : 11746 of 2004

Between:

M/s Super Spinning Mills Limited, P.B. No.7113,
Elgi Towers, 737-D, Green Fields, Puliakulam Road,
Coimbatore-641045, rep. by its Chief Corporate Affairs
N.Mohan Ram

…. Petitioner

AND

1 Transmission Corporation of A.P. Ltd., Vidyutsoudha,
Khairatabad, Hyderabad rep by its
Chairman and Managing Director.
2 Central Power Distribution Company of A.P. Ltd.,
Singareni Bhavan, Red Hills, Hyderabad,
rep. by its Chairman and Managing Director.
3 Andhra Pradesh Gas Power Corporation Ltd, #201,
2nd Floor, My home Sarovar Plaza, Secretariat, Road,
Hyderabad-063 rep. by its Managing Director.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus or any other appropriate, writ, order or direction declaring that respondent 1 and 2 have no authority to levy and demand any tariff in respect of the power allocated by 3rd respondent in excess of the bills raised by the 2nd respondent and consequentially direct the respondents 1 and 2 to forbear from raising such bills.

Counsel for the Petitioner: MR.C.V.NAGARJUNA REDDY

Counsel for the Respondents : SMT.M.VINOBHA DEVI

7)WRIT PETITION NO : 12032 of 2004

Between:

M/s Techtran Polynses Limited, H.No.400, Sagar Co-op. Housing Society, Avenue-VIII, road No.2 Banjara Hills, Hyderabad, rep. by its Managing Director K.Venkateswara Rao

…. Petitioner

AND

1 Transmission Corporation of A.P. Ltd., Vidyutsoudha, Khairatabad, Hyderabad rep by its Chairman and Managing Director.
2 Central Power Distribution Company of A.P. Ltd., Singareni Bhavan, Red Hills, Hyderabad, rep. by its Chairman and Managing Director.
3 Andhra Pradesh Gas Power Corporation Ltd, #201, 2nd Floor, My home Sarovar Plaza, Secretariat, Road, Hyderabad-063 rep. by its Managing Director.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus or any other appropriate, writ, order or direction declaring that respondent 1 and 2 have no authority to levy and demand any tariff in respect of the power allocated by 3rd respondent in excess of the bills raised by the 3rd respondent and consequentially direct the respondents 1 and 2 to forbear from raising such bills.

Counsel for the Petitioner: MR.C.V.NAGARJUNA REDDY

Counsel for the Respondents : SMT.M.VINOBHA DEVI

8)WRIT PETITION NO : 12173 of 2004

Between:

M/s Signode India Limited, Rudraram village, Samgareddu Taluq, Medak district – 502 329, Andhra Pradesh, rep. by its Corporate Head-Legal and Taxation
…. Petitioner

AND

1 Transmission Corporation of A.P. Ltd., Vidyutsoudha, Khairatabad, Hyderabad rep by its Chairman and Managing Director.
2 Central Power Distribution Company of A.P. Ltd., Singareni Bhavan, Red Hills, Hyderabad,

rep. by its Chairman and Managing Director.
3 Andhra Pradesh Gas Power Corporation Ltd, #201,
2nd Floor, My home Sarovar Plaza, Secretariat, Road,
Hyderabad-063 rep. by its Managing Director.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus or any other appropriate, declaring the action of the respondents 1 and 2 in levying and demanding any amount in respect of the power allocated by the 3rd respondent to the petitioner as illegal and arbitrary and consequently direct the respondents 1 and 2 not to demand and collect any amount towards the power allocated by the 3rd respondent to the petitioner.

Counsel for the Petitioner: MR.C.V.NAGARJUNA REDDY

Counsel for the Respondents : SMT.M.VINOBHA DEVI

This Court made the following :
THE HON'BLE SRI JUSTICE B.PRAKASH RAO

WRIT PETITION Nos. 9945 of 2004, 11637 of 2004,

11638 of 2004, 11639 of 2004, 11745 of 2004,

11746 of 2004, 12032 of 2004 and 12173 of 2004

COMMON ORDER:

The subject matter involved in these Writ Petitions is squarely covered by the judgment of this Court in W.P.Nos. 9154 of 2004 and batch, dated 06.12.2004. Following the same, the above Writ Petitions are partly allowed to the extent indicated therein.

(B.Prakash Rao, J.)

20.12.2004

DRK

Copy to:

1 The Chairman & Managing Director, Transmission Corporation of A.P. Ltd., Vidyutsoudha, Khairatabad, Hyderabad

2 The Chairman & Managing Director, Central Power Distribution Company of A.P. Ltd., Bhavan, Red Hills, Hyderabad,

3 The Managing Director, Southern Power Distribution Company Ltd.,
19-3-13, Upstairs of Hero Honda Show Room, Renigunta Road,
Tirupathi – 517 501,

4 The Managing Director, Eastern Power Distribution Company of A.P. Ltd.,
3-14-9, Sai Salthi Bhavan, Opp. Saraswati Park, Daba Gardens, Visakhapatnam-53002,

5 The Managing Director, Andhra Pradesh Gas Power Corporation Ltd, #201,
2nd Floor, My home Sarovar Plaza, Secretariat, Road, Hyderabad-063

6 Two CD copies.